

## IDAHO BOARD OF COSMETOLOGY

Meeting of the Board

February 5, 2001

Meeting called to order at 8:30 a.m.

Roll call: Christy Stutzke, Chair, Carol Martin, Vice-chair, Patrick Ulsh, Kimber Hicks, Geneal Thompson, Secretary.

Bureau staff present: Tomas E. Limbaugh, Bureau Chief; Budd Hetrick, Deputy Bureau Chief; John Kersey, Chief Investigator; Cindy Rowland, Michelle Bissey, Joe Van Huss, Carol Ehlinger, and Robert Jones, IBOL Investigators; Carl Ericson, Administrative Counsel, Helen Piippo, Bureau Secretary

Others present: Makisha Alcala, Stephanie Reasons, Veronica Ontiveros, Linda Mottishaw, Zelda Haddenham, Ronda Clark, Tamie Nethery, Carolyn Shelley, Eric Negaard, Peggy Foster, Sherry Whiting, JR Scholes, Michelle Ruski, and Nancy Roland.

Motion by Ms Martin to accept the minutes of the October 2, 2000, October 27, 2000 and November 2000 board meetings. Seconded by Mr. Ulsh. Mr. Hicks stated that a correction on written interpretation to read that Board Examiners be paid \$50.00 for travel days. Motion carried.

Motion by Mr. Hicks that Ms. Stutzke be elected Board Chair for 2001. Seconded by Ms. Martin. Motion carried. Motion by Mr. Hicks that Mr. Ulsh be elected Board Vice-Chair for 2001. Seconded by Ms. Thompson. Motion carried. Motion by Mr. Hicks that Ms. Martin be elected Board Secretary for 2001. Seconded by Mr. Ulsh. Motion carried.

Ms. Martin made motion to go into executive session to discuss potential litigation. Seconded by Mr. Ulsh. Motion carried.

Mr. Ulsh made motion to come out of executive session. Ms. Martin seconded. Motion carried.

### SCHOOL OWNERS

Mr. Negaard stated that there were no school owner concerns at this time. Mr. Hicks stated that there had been questions during the school owners meeting regarding changes in the Idaho Law and effective dates. And to the Board's written interpretation concerning student demonstrator permits.

Ms. Stutzke gave a report regarding rater training on March 24<sup>th</sup> and 25<sup>th</sup> from 9:00 a.m. to 5:00 p.m. There will be no training for school owners at this time. The trainers will be Mary Brown and Kirby Morris. There is a possibility that Peggy Moon will be observing the training. There was discussion on the NIC Rater Training Contract. In the original contract it was quoted as \$1,000/day for training plus expenses. It has been proposed that there would be a set fee in the amount of \$3500 for the two-day training. Discussion held. Mr. Hicks made motion that the Board accept the \$3500 fee rather than the fee stated in the NIC contract. Seconded by Mr. Ulsh. Motion carried.

Mr. Hicks stated that he will let the school owners know of any set-up time changes after training.

Mr. Limbaugh gave the Financial Report to Board. The Board's fund balance is \$244,580 as of February 2, 2001 and the remaining budget appropriation for the fiscal year is \$158,974. \$262,375.50 has been spent year to date. The Board is in good financial shape. However, the travel portion of the budget is getting low due to an increase in direct travel over the past fiscal year.

Mr. Kersey introduced investigator, Bob Jones. Mr. Kersey gave Investigative Report as follows:

1. To date, three (3) complaints have been received and are still under investigation;
2. Thirty-nine (30) complaints were received for the year 2000. Of those, sixteen (16) remainder under investigation or under legal review
3. Thirty-seven (37) complaints were received in 1999. Of those, four (4) remain under investigation and or legal review

The inspection of the salons and schools appear to be running smoothly, one area remains a little behind on inspections, however, it is anticipated that this will be completed in the near future.

Ms. Thompson asked for an update on Laser Hair removal with regards to the medical board. Mr. Kersey informed the Board that, under the current laws provided by the Board of Medicine, use of the laser for hair removal is considered to be the practice of medicine. Such use by cosmetologist/esthetician/electrologist must be under the supervision of a licensed physician, and violation would be punishable as a felony. There was discussion.

Mr. Ericson stated he had nothing to report.

Ms. Stutzke reported that the Governor has announced the new Board appointments. Ms. Thompson was reappointed as electrology/esthetics representative. Ms. Martin was reappointed as cosmetology representative, and Ms. Lambert, Karen Shrum and Carolyn Shelley were appointed as examiners. There was discussion on reappointments for this year.

Mr. Hicks informed the Board that the NIC Regional Meeting would be in Coeur d'Alene, May 18-20. The school owners association has donated \$200.00 to NIC for the reception.

#### ADMINISTRATIVE HEARING

Hearing Officer Ken Mallea presided over the hearing of case # COS-LIA-04-00-017-Stephan N. Lacey. Mr. Hicks recused himself from the proceedings.

Motion by Mr. Hicks to go into executive session to discuss potential litigation. Seconded by Ms. Martin. Motion carried.

Motion by Mr. Ulsh to come out of executive session. Seconded by Ms. Martin. Motion carried.

Discussion held as to student lists and the draft memo to be sent to schools. Mr. Hicks stated that it is the schools responsibility to send notification to the Board when a student's training has been completed or terminated. If this is not done, schools will be held responsible. A memo will be sent, along with new student law books, listing the newly registered students. The student list memo and complete student list will be sent to the schools each month. There was discussion on schools releasing the Record of Instruction to students. It was noted that Rule 500.05.d. requires that the school file the Record of Instruction Form with the Board. Discussion held on instructor/student ratio.

Meeting adjourned at 11:30 a.m.

Meeting reconvened at 1:15 p.m.

#### CORRESPONDENCE:

Correspondence was reviewed and no action was taken.

Discussion on COS012301EDM as to education for endorsement. Mr. Hicks made motion that, upon receipt of proof of high school education and passing the Idaho

Jurisprudence exam, the application be approved for licensure by endorsement.  
Seconded by Mr. Ulsh. Motion carried.

Discussion on COS013001EDI as to application from England. Ms. Martin made motion that applicant be scheduled for exam. Seconded by Ms. Thompson. Motion carried.

Mr. Hicks made motion to go into executive session to discuss potential litigation.  
Seconded by Mr. Ulsh. Motion carried.

Mr. Hicks made motion to come out of executive session. Seconded by Ms. Martin.  
Motion carried.

Mr. Hetrick gave an update on Laser Grade computer testing. Once proctor testing for staff is complete, there will be 2 computers available for testing at the Bureau. Mr. Hetrick requested that the Board advise him of their policy on what candidates would be allowed to use computer testing. Testing sites and fees were discussed.

All applicants must make application and pay the Board fees to the Bureau prior to any exams being taken. After each application is processed, a letter is sent regarding the next exam and information as to Lasergrade being available for NIC theory and State Law Exam. Discussion held as to test site not knowing whether candidate is first time examinee or retake. All test sites are giving the exams as required by The Idaho State Board of Cosmetology. The Board asked that Lasergrade provide a notice that candidates must meet all requirements prior to taking exam. All fees must be paid and all requirements must be met before exam scores will not be given to candidate. Candidates are advised that the notice letter from the Bureau must be presented at the test sites.

Mr. Hetrick informed the Board that Lasergrade has the ability to add a disclaimer to the exam. Cost of the exam through Lasergrade is \$65.00 for the Cosmetology exam and the Idaho Jurisprudence exam is \$30.00. At such time as the exam can be given at the Bureau, the cosmetology exam will be \$35.00 and the Idaho Jurisprudence exam will be \$10.00. All computer exams are scheduled through Lasergrade.

The Board discussed changing the renewal of licenses to bi-annually. Language will be drafted for submission by August for the 2002 legislative session. The renewal process was discussed

Discussion was held on whether or not money would be saved if renewal was bi-annually.

Meeting adjourned at 4:50 p.m.

Meeting reconvened at 8:30 a.m. on 2-6-00.

Mr. Ulsh made motion to pay the examiner alternates for rater training in same manner as appointed examiners. Seconded by Ms. Martin. Discussion held. Motion carried.

#### CONTIGUOUS SALON:

The Board discussed deleting the provision for the contiguous salon license from the rules. Ms. Stutzke noted that support from the Tax Commission and the Industrial Commission would be beneficial before sending anything to the Governor. There was discussion on ideas and how to proceed. Mr. Hicks stated that the contiguous license gives no protection against the primary as to sanitation requirements. There was discussion on how licensees would lease space from the primary owner and what guidelines would be set.

Mr. Hicks stated that contiguous license fees are unnecessary to practitioners. He suggested proposing a temporary rule to present to the Governor based on unnecessary fees being charged.

The Board discussed the possible impact on the inspection program that would result if contiguous licenses were discontinued.

Mr. Hicks made motion to begin the process to delete Rule 300.03 for submission by August for the 2002 Legislative session. Seconded by Ms. Martin. Motion carried.

NIC RATER TRAINING

Motion by Mr. Ulsh that Ms. Piippo attend rater training on March 24, 2001 from 9:00 a.m.-12:00 p.m. Seconded by Ms. Martin. Motion carried.

Motion by Mr. Hicks to go into executive session to discuss personnel matters. Seconded by Mr. Ulsh. Motion carried.

Motion by Mr. Ulsh to come out of executive session. Seconded by Ms. Martin. Motion carried.

Mr. Hicks made motion that coffee, tea, soda and juice be ordered from the Owyhee Plaza to be served at breaks during NIC Rater Training. Seconded by Ms. Martin. Motion carried.

REGIONAL NIC MEETING

Mr. Ulsh gave overview of the meeting May 18-20, 2001.

Motion by Mr. Hicks that the appointed examiners be invited to attend the NIC regional meeting. Seconded by Mr. Ulsh. Motion carried.

LASER HAIR REMOVAL

Mr. Hicks informed the Board of the Board of Medicine’s statement that Cosmetologists are not to have certain types of laser machines in cosmetology establishments, as they are classified as prescription devices. All other laser machines may be used in cosmetology since they are not classed as permanent hair removal.

Mr. Hicks informed the Board that, according to the definition of Electrology, it is permanent hair removal. The only laser that removes hair permanently is the prescription strength, which cannot be used by an Electrologist. Discussion held.

Mr. Ulsh made motion to delete the written interpretation from the Board minutes of October 2, 2000, as to if a student from an outside hosting school works on a live model, a \$10.00 permit will be required. Seconded by Ms. Martin. Motion carried.

Motion by Mr. Ulsh to adjourn meeting. Seconded by Ms. Martin. Motion carried.

Meeting adjourned at 12:00 p.m.

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Christy Stutzke, Chair

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Patrick Ulsh, Vice-Chair

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Carol Martin, Secretary

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Geneal Thompson

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Kimber Hicks

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Thomas E. Limbaugh, Bureau Chief

